

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Sections 40-107.14 through .143

Specific Purpose:

Section 40-107.14 is amended to specify that an applicant, recipient, or former recipient must be informed of their time on aid as specified in new Sections 40-107.141, .142, and .143.

Section 40-107.141 is adopted to specify that at the time that eligibility for aid is authorized, the county must inform the applicant, by notice of action, of the number of countable months that the recipient received aid, the specific months that were exempt from the time limit, and the remaining number of months that the recipient may be eligible to receive aid.

Section 40-107.142 is adopted to specify that at redetermination, and at the 54th and 58th countable months on aid, the county must inform the recipient, by notice of action, of the number of countable months that the recipient received aid as reported on the most recent notice of action, the cumulative number of countable months that the recipient received aid and the specific exempt months since the last notice of action, and the remaining number of months that the recipient may be eligible to receive aid. This section also adds a cross-reference to Section 42-302.2 for the definition of countable months.

Section 40-107.143 is adopted to specify that the county must inform a current or former recipient, in writing, within 30 calendar days from the date of the recipient's request, of the number of countable months that the recipient received aid, the specific months that were exempt from the time limit, and the remaining number of months that the recipient may be eligible to receive aid.

Factual Basis:

Welfare and Institutions Code Section 11454(b) establishes the CalWORKs 60-month time limit requirement. The amendment to Section 40-107.14 and the adoption of Sections 40-107.141, 40-107.142 and 40-107.143 are necessary to ensure that recipients are informed on a timely basis of the number of months they have received aid and the process, as provided in Section 42-302.3, which allows them to claim the exemptions set forth in Welfare and Institutions Code Sections 11454(e) and 11454.5(b). This information is important to ensure that recipients know of the approach of their time limits to prepare for the resulting grant reduction, and to ensure recipients are provided exemptions to which they are entitled.

Sections 40-107.15 and 40-107.151

Specific Purpose:

Section 40-107.15 is adopted to specify that when another state requests the number of months of TANF assistance received by a former CalWORKs recipient provided by the Temporary Assistance to Needy Families (TANF) Program, the county where the aid was last received must promptly respond to the other state's request.

Section 40-107.151 is adopted to specify that the county must inform the former CalWORKs recipient, by notice of action, of the number of months of TANF-funded assistance that was provided to the other state.

Factual Basis:

The adoption of Section 40-107.15 is necessary to clarify that any request by another state for the number of months of TANF assistance received by a former CalWORKs recipient is answered by the county where the aid was last received. The adoption of Section 40-107.151 is necessary to ensure that former recipients are informed of the number of months that they have received TANF assistance. These sections are necessary to comply with the federal TANF 60-month time limit requirement set forth in Section 608(a)(7) of Title 42 of the United States Code.

Handbook Section 40-107.152

Specific Purpose:

This Handbook section is added to provide guidance to counties for reporting months of assistance provided by TANF funds. This Handbook section specifies the state-only programs that are not subject to the federal TANF 60-month time limit.

Factual Basis:

The addition of this Handbook section is necessary to comply with the federal TANF 60-month time limit requirement set forth in Section 608(a)(7) of Title 42 of the United States Code.

Sections 40-107.16, .17, and .18

Specific Purpose:

The specific purpose is to renumber existing Section 40-107.15 as Section 40-107.16; renumber existing Section 40-107.16 as Section 40-107.17; and renumber existing Section 40-107.17 as Section 40-107.18.

Factual Basis:

Renumbering these sections is necessary to maintain a consistent numerical sequence due to the adoption of new Section 40-107.15.

Section 42-301.2

Specific Purpose:

This section is amended to repeal references to ineligibility based on the 18- and 24-month time limits and to add a cross-reference to new Sections 44-133.8 and 82.833.1.

Factual Basis:

The amendment to repeal the reference to the 18/24-month time limit is necessary to clarify the application of this time limit. Recipients who reach the 18/24-month time limit can remain eligible for aid if they fulfill their work requirement by participating in activities allowed after the time limit, including community service and unsubsidized employment. Recipients who fail to fulfill their work requirement are subject to sanction.

The cross-reference to new Sections 44-133.8 and 82-833.1 is necessary to refer the reader to the new regulations that specify how safety net benefits are calculated.

Section 42-302.114

Specific Purpose:

This section is adopted to provide guidance to County Welfare Departments (CWDs) by providing criteria to be used to determine if a recipient is eligible for the exception that extends aid beyond the 60-month time limit for individuals who have a history of participation and cooperation with welfare-to-work requirements but who are found to be unable to maintain employment or to participate in welfare-to-work activities. In addition, this section provides timeframes for a periodic review of the impairment or condition that prevents an individual from maintaining employment or participation in welfare-to-work activities.

Factual Basis:

This section is necessary to clarify statutory language and provide guidance to counties regarding the criteria to be used in determining that an individual is eligible for the 60-month time limit exception as set forth in Welfare and Institutions Code Section 11454(e)(5). Section 42-302.114(c) is necessary to provide CWDs with timeframes within which the county must determine an individual's continuing eligibility for an exception to the 60-month time limit based upon a periodic review of the impairment or condition that prevents employment or participation in welfare-to-work activities.

Section 42-302.21(h)(1)

Specific Purpose:

This section is adopted to specify that the counties must contact the governing body of the tribal land or Alaskan native village in order to obtain the unemployment rate for the Indian country or the native village.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11454.5(b)(5), which exempts a month from the 60-month time limit if the recipient lived in Indian country or an Alaskan native village in which at least 50 percent of the adults living in the Indian country or native village are not employed.

Section 42-302.3

Specific Purpose:

This section is adopted to specify that upon request, the county must provide the recipient with a form to request and document the request for an exemption or exception to the 60-month time limit.

Factual Basis:

This section is necessary to ensure that recipients are provided with a form to document their request for exemptions or exceptions to the 60-month time limit as set forth in Welfare and Institutions Code Sections 11454(e) and 11454.5(b).

Sections 42-302.31(a) through (e)

Specific Purpose:

These sections are being adopted to require that the exemption/exception request form must include specific information on time limit exemptions and exceptions and the process for requesting them, including the right to appeal a denial of the request through a state hearing.

Factual Basis:

These sections are necessary to ensure that recipients are provided with the necessary information to request and receive exemptions or exceptions to the 60-month time limit to which they are entitled. Sections 42-302.31(a) through 42-302.31(e) are necessary to carry out the requirements for exemptions and exceptions as set forth in Welfare and Institutions Code Sections 11454(e) and 11454.5(b).

Section 42-302.32

Specific Purpose:

This section is adopted to specify that the county must inform the individual of the determination of the exemption or exception within 15 days from the date of receipt of the completed request form. This section also specifies that the county may exceed the 15-day limit to complete the determination if the determination is delayed due to specific circumstances beyond the control of the agency.

Factual Basis:

This section is necessary to establish a limited period for the county to respond to an individual's claim for an exemption or exception, in order to ensure timely determination of exemptions/exceptions set forth in Welfare and Institutions Code Section 11454(e) and 11454.5(b).

Section 42-302.33

Specific Purpose:

This section is adopted to specify that the county must use all available and relevant case records before requesting additional verification from the recipient.

Factual Basis:

This section is necessary to assist recipients in claiming the exemptions and exceptions to which they are entitled. This section is necessary to carry out the requirements for exemptions and exceptions as set forth in Welfare and Institutions Code Sections 11454(e) and 11454.5(b).

Section 42-302.34

Specific Purpose:

This section is adopted to specify that the notice sent to deny or approve a recipient's request for an exemption or exception includes the reason for the determination and the individual's right to appeal the determination.

Factual Basis:

This section is necessary to ensure that the individual is given the information needed to explain the denial/approval of the request for the exemption or exception to the 60-month time limit. This MPP section is necessary to carry out the requirements for an exemption and exception as set forth in Welfare and Institutions Code Sections 11454(e) and 11454.5(b).

Section 44-133.51

Specific Purpose:

This section is amended to add a cross-reference to new Section 44-133.8.

Factual Basis:

This cross-reference is necessary to clarify that Section 44-133.5 does not provide direction for the calculation of benefits for safety net benefits and to direct readers to new Section 44-133.8 that specifies how safety net benefits are calculated.

Section 44-133.8

Specific Purpose:

This section is adopted to specify how safety net benefits are calculated.

Factual Basis:

This section is necessary because current regulations do not specify how safety net benefits for remaining assistance unit (AU) members are calculated when the 60-month time limit is reached.

Section 44-133.81

Specific Purpose:

This section is adopted to specify how safety net benefits are calculated when the timed-out adult is a parent of a child in the remaining AU. When a parent is ineligible for aid because his or her 60-month time limit has expired, the parent's income is included in the grant calculation, but the parent's needs are not included.

Factual Basis:

This section is necessary because current regulations do not specify how safety net benefits for remaining AU members are calculated when a parent in the AU reaches his or her 60-month time limit. Welfare and Institutions Code Section 11320.15 provides that timed-out persons shall be removed from the assistance unit for the purposes of calculation of aid. This means the parent's needs cannot be included in determining the safety net grant for the remaining children. However, these parents still have a duty to support their children, so their income must be considered.

Section 44-133.82

Specific Purpose:

This section is adopted to specify how safety net benefits are calculated when the timed-out adult is a non-parent caretaker relative of a child in the remaining AU. When a non-parent caretaker relative is ineligible for aid because his or her 60-month time limit has expired, neither the income nor needs of the non-parent caretaker relative are included in the grant calculation.

Factual Basis:

This section is necessary because current regulations do not specify how safety net benefits for cases with a non-parent caretaker relative are calculated when the 60-month time limit is reached. Welfare and Institutions Code Section 11320.15 provides that timed-out persons shall be removed from the AU for the purposes of calculation of aid. Thus non-parent caretaker relatives whose 60-month time limit has expired would no longer be eligible to be included in the AU as an optional member. Since non-parent caretaker relatives have no duty to support the children in the AU, the non-parent income and needs cannot be considered, unless income is willingly contributed to the child under Section 44-133.6.

Section 44-133.83

Specific Purpose:

This section is adopted to specify how safety net benefits are calculated when the timed-out adult is a stepparent of a child in the remaining AU. This section specifies that timed-out stepparents not required to be in the AU and living in the home are no longer eligible to be optional AU members, and their income and needs shall be treated in accordance with Sections 44-133.51 and 44-133.511.

Factual Basis:

This section is necessary because current regulations do not specify how to calculate safety net benefits for AUs with stepparents whose 60-month time limit has expired. Welfare and Institutions Code Section 11320.15 provides that timed-out persons shall be removed from the AU for the purposes of calculation of aid. A stepparent is an optional member of the AU. A stepparent whose 60-month time limit has expired is no longer eligible to be an optional AU member and their income and needs are considered in the grant calculation pursuant to Sections 44-133.51 and 44-133.511.

Section 44-133.84

Specific Purpose:

This section is adopted to cross-reference other applicable grant calculation and time limit regulations.

Factual Basis:

This section is necessary to ensure that readers are appropriately directed to other applicable regulations for timed-out adults.

Section 82-832.1(d)

Specific Purpose:

This section is being repealed to avoid duplication of regulations. Requirements regarding individuals who have exceeded the 60-month time limit are now in new Section 82-833. Sections 82-833 (e) through (k) are renumbered to (d) through (j) accordingly.

Factual Basis:

This repeal is necessary to avoid duplication of regulatory language. Sections 82-833(e) through (k) are renumbered to (d) through (j) for clarity and ease of use.

Section 82-833.1

Specific Purpose:

This section is adopted to describe timed-out adults and to cross-reference the MPP section providing for the treatment of income and needs of such adults.

Factual Basis:

This section is necessary to define the status of timed-out adults with relation to the AU and to direct readers to the MPP section that control the use of a timed-out adult's income and needs.

b) Identification of Documents Upon Which Department Is Relying

AB 1542, Chapter 270, Statutes of 1997
AB 429, Chapter 111, Statutes of 2001
42 U. S. C. 608(a)(7)(A) and (B)

c) Local Mandate Statement

These regulations impose a mandate upon county welfare departments, but not school districts. There are no state-mandated local costs in these regulations which require reimbursement under Section 17500 et seq. of the Government Code because the CalWORKs program provides for offsetting savings to local agencies that result in no net costs to local agencies, within the meaning of Section 17580 of the Government Code.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.